

IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF TEXAS
SHERMAN DIVISION

EAGLE AND WHEELER, LLC

Plaintiff

v.

AMCO INSURANCE COMPANY,

A NATIONWIDE COMPANY

Defendant

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CIVIL ACTION NO. 4:17-cv-497

NOTICE OF REMOVAL

Defendant, AMCO Insurance Company (“AMCO”), through undersigned counsel and pursuant to 28 U.S.C. §§ 1332, 1441 and 1446, files this Notice of Removal of the lawsuit captioned *Eagle and Wheeler, LLC v. Amco Insurance Company, a Nationwide Company*; Cause No. 17-4916-393, in the 393rd Judicial District of Denton County, Texas.

I.

BACKGROUND

1. Plaintiff Eagle and Wheeler, LLC initiated the present action by filing its Original Petition in Cause No. 17-4916-393, in the 393rd Judicial District of Denton County, Texas on June 14, 2017 (the “State Court Action”). *See* Exhibit A, Plaintiff’s Original Petition.

2. AMCO appeared and answered on July 14, 2017, asserting a general denial to the claims and allegations made in Plaintiff’s Original Petition. *See* Exhibit B, Defendant’s Original Answer.

3. Pursuant to 28 USC § 1446(a) all a copy of all process, pleadings, and orders served upon AMCO in the State Court Action are incorporated in Exhibit A. Pursuant to Local Rule 81(c)(2), a fully copy of the state court file has been requested and will be filed upon receipt.

4. Pursuant to 28 U.S.C. § 1446(d), promptly after filing this Notice of Removal, AMCO will give written notice of the removal to Plaintiff through its attorney of record, and to the clerk of the 393rd Judicial District of Denton County, Texas.

5. Pursuant to 28 USC §§ 1446(b)(1) and 1446(c)(1) this Notice of Removal has been timely filed within 30 days of service on AMCO of Plaintiff's Original Petition and less than one year after the commencement of this action.

II. JURISDICTION

6. This Court has original jurisdiction pursuant to 28 U.S.C. § 1332, and the matter is removable to this Court pursuant to 28 U.S.C. § 1441(a) because there is complete diversity of citizenship between the properly joined parties and the amount in controversy exceeds \$75,000 exclusive of interest and costs.

A. Diversity of Parties

7. Plaintiff is domiciled in Denton County, Texas. *See* Exhibit A, Plaintiff's Original Petition, at ¶ 2. Pursuant to 28 U.S.C. § 1332(a), therefore, Plaintiff is a citizen of the State of Texas.

8. AMCO Insurance Company is organized under the laws of Iowa and maintains its principal place of business in Iowa. *See* Exhibit A, Plaintiff's Original Petition, at ¶ 3. Pursuant to 28 U.S.C. § 1332(c)(1), therefore, AMCO is a citizen of the State of Iowa.

9. Accordingly, there is complete diversity between the parties pursuant to 28 U.S.C. § 1332(a).

B. Amount in Controversy

10. Plaintiff's Original Petition states repeatedly that Plaintiff is seeking "monetary relief over \$200,000 but not more than \$1,000,000." *See* Exhibit A, Plaintiff's Original Petition, at ¶ 48, 54-59. The threshold for diversity jurisdiction, \$75,000, is therefore met by the allegations of Plaintiff's Original Petition. Accordingly, the amount in controversy requirement of 28 U.S.C. § 1332(b) is satisfied.

**III.
CONCLUSION**

11. Removal of this action under 28 U.S.C. § 1441(a) is proper as the district courts of the United States have original jurisdiction over the matter pursuant to 28 U.S.C. § 1332, and as all requirements for removal under 28 U.S.C. § 1446 have been met.

12. WHEREFORE, Defendant AMCO Insurance Company hereby provides notice that this action is duly removed.

Respectfully submitted,

/s/ Patrick M. Kemp

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**ATTORNEYS FOR DEFENDANT AMCO
INSURANCE COMPANY**

CERTIFICATE OF SERVICE

This is to certify that a true and correct copy of the foregoing instrument has been served via certified mail, return receipt requested this the 14th day of July, 2017 to:

Jonathan P. Ayers
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/s/ Patrick M. Kemp

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